

Notice of Allowability

Application No.

09/435,257

Examiner

David Montanari

Applicant(s)

CLEMONS ET AL.

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1632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's amendment filed 12/23/2005.
2. ☒ The allowed claim(s) is/are 1-11, 20-21, 23, 25, 26, 28, 30, and 34.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date ____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date ____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other ____. |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Melissa S. Rones on 2/3/2006.

The Application has been amended as follows:

IN THE SPECIFICATION:

Pages i-v have been deleted.

The following paragraph has been inserted at the beginning of page 1--This application claims priority from provisional application 60/107,473.--

IN THE CLAIMS:

Claims 12-19, 22, 24, 27, 29, 31-33, 35-37, and 51 have been cancelled.

Claims 1-11, 20-21, 23, 25, 26, 28, 30, and 34 have been allowed.

Claim 2 has been rewritten as follows: The recombinant nucleic acid of claim 1 wherein the calcineurin A portion of the CAB domain comprises a peptide sequence selected from any of the

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following peptide sequences: residues 12-394 of human calcineurin A, residues 12-370 of human calcineurin A and residues 340-394 of human calcineurin A disclosed in SEQ ID NO: 33.

Claim 3 has been rewritten as follows: The recombinant nucleic acid of claim 1 wherein the calcineurin B portion of the CAB domain comprises residues 3-170 of human calcineurin B disclosed in SEQ ID NO: 35.

Claim 4 has been rewritten as follows: The recombinant nucleic acid of claim 1, 2, or 3 wherein said CAB domain comprises a calcineurin A and/or calcineurin B peptide sequence which differs from a calcineurin peptide sequence by up to ten amino acid substitutions, deletions or insertions, wherein the calcineurin peptide sequence is selected from any of the following peptide sequences: residues 12-394 of SEQ ID NO: 33, residues 12-370 of SEQ ID NO: 33, residues 340-394 of SEQ ID NO: 33, or residues 3-170 of SEQ ID NO: 35.

Claim 6 has been rewritten as follows: The recombinant nucleic acid of claim 5 wherein the heterologous domain is selected from the group comprising a DNA binding domain, a transcription regulatory domain, a cytoplasmic signal initiation domain, a nuclear localization sequence, and a signaling domain.

Claim 7 has been rewritten as follows: The recombinant nucleic acid of claim 6 wherein the heterologous domain is lexA DNA binding domain, or a GAL4 DNA binding domain.

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Claim 8 has been rewritten as follows: The recombinant nucleic acid of claim 6 wherein the heterologous domain is p65, VP16 or AP domain.

Claim 9 has been rewritten as follows: The recombinant nucleic acid of claim 6 wherein the heterologous domain is a KRAB domain or a ssr-6/TUP-1 domain.

Claim 10 has been rewritten as follows: The recombinant nucleic acid of claim 6 wherein the heterologous domain is an intracellular domain of a mammalian cell surface receptor.

Claim 11 has been rewritten as follows: A recombinant nucleic acid encoding a fusion protein containing one or more CAB domains which form a tripartite complex with an FKBP domain-containing protein and a FKBP/CAB ligand preferentially over FK506.

Claim 25 has been rewritten as follows: The vector of claim 23 wherein the viral vector is selected from the group consisting of adenovirus, AAV, herpesvirus, retrovirus, hybrid adenovirus/AAV, poxvirus, and lentivirus.

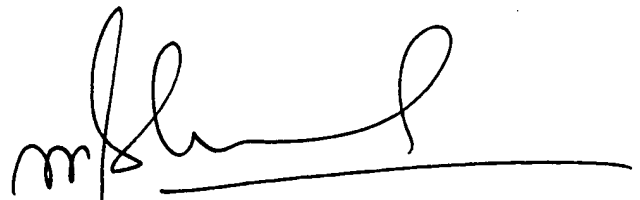
Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Montanari whose telephone number is 1-571-272-3108. The examiner can normally be reached on M-F 9-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla can be reached on 1-571-272-0735. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David A. Montanari, PhD

A handwritten signature in black ink, appearing to read 'm/shukla', with a long horizontal line extending to the right.

**RAM R. SHUKLA, PH.D.
SUPERVISORY PATENT EXAMINER**